



CHOICES Daily Life and Employment Toolkit

Services outlined in this toolkit are based on the belief that all individuals with developmental disabilities can work, have positive social relationships, and are supported to enhance their skills, interests, and needs.

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Division of Developmental
Disabilities

Introduction:

Work is a fundamental part of adult life for people with and without disabilities. It provides a sense of purpose, and shapes who we are and how we fit into our community. Meaningful work has also been associated with positive physical and mental health benefits and is a part of building a healthy lifestyle as a contributing member of society. Because it is so essential to people's economic self-sufficiency, self-esteem, and well-being, people with disabilities who want to work should be provided the opportunity and support to work competitively within the general workforce in their pursuit of health, wealth and happiness.

An **informed decision** by the participant and his/her family is a crucial part of considering employment outcomes. For the purposes of this toolkit, an informed decision is made when each of the following has occurred:

- Information is available on a variety of employment options
- Person has had opportunities to develop personal preferences and/or employment experience
- Information is provided in a manner reflective of person's ability to understand and communicate
- Non-judgmental advice and support are offered
- Support includes consideration of positive and negative impact of the decision

ISP Employment Outcome Requirement:

Per ARSD 46:11:05:03, consideration of employment outcomes must be addressed in each Individualized Service Plan.

Employment outcomes shall be identified within the following categories within each ISP:

- Person is in school and is planning for employment post-graduation
- Person is currently in a job or career
 - If the person receives **any** support from staff (ex. phone check in w/ person or employer, assistance setting up bus rides/tickets, washing uniforms, etc.) this should be captured in the ISP employment supports.
- Person is unemployed or underemployed and wants a job this year
- Person is seeking employment within 2 years
- Person is Not Focused on Employment
 - If the participant is at least retirement age (66) **and** has not expressed an interest in employment, Employment Action Plan is not required within ISP.
 - If the person is working age (18-65 years old) the ISP must include evidence of informed choice related to decisions about employment, as referenced above.

Service Authorization Process:

DDD will authorize CHOICES Daily Life and Employment services using the processes outlined below

- Provisional Plan of Care: New participants accessing CHOICES waiver services
Case Manager submits a Provisional Plan of Care (DHS-DD-812) with the initial Level of Care and eligibility determination documentation IF employment services have been identified and secured with a provider at the time the Level of Care is submitted.
 - Initial ISP shall include discussion as outlined in ARSD 46:11:05:03 and ISP Employment Outcome Requirement section above.

- Employment provider and Case Manager shall document the type, scope, frequency, and duration of the service(s) to be provided.
- As of September 27, 2019, no new Level of Care should include a request to open Career Exploration. Please reference Career Exploration section on page 6.

Significant Change Request (DHS-DD-810): Participants with CHOICES waiver services who wish to modify their current services-add, end, or adjust hours, wage, etc.

- Adding services at the time a provider and employment supports are identified, ex. A new participant had only Case Management services authorized until a provider was selected.
- Team agreement to proposed changes is required.
- Required fields on SCR form-Hours, wage, start and end dates, non-paid hours, funding source, and phase of Individual Supported Employment

*For specific content requirements for Career Exploration service authorization, please reference Career Exploration section on page 6.

Individual Supported Employment:

Individual Supported Employment services are supports to participants to obtain and maintain an individual job in integrated competitive employment, customized employment, or self-employment. Services include job coaching, job support, retention, and follow along. Participants may access Individual Supported Employment regardless of whether they have previously accessed Career Exploration services or Group Supported Employment. Individual Supported Employment criteria are as follows:

- Integrated work setting in the general workforce.
- Individual is compensated at or above the minimum wage once employed.
- Goals and/or supports related to employment are outlined within the person-centered ISP.

Individual Supported Employment is comprised of several activities and supports which contribute to the overall success to gain and maintain competitive, integrated employment. The phases and related activities are as follows:

Discovery: development of an employment profile as the desired outcome

Discovery Phase	<ul style="list-style-type: none">• Person centered employment planning• Employment assessment• Assistive technology assessment• Travel training• Community based work experience
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Job Development: coordination between the job seeker and employer to identify and negotiate job responsibilities

Job Development Phase	<ul style="list-style-type: none">• Referral to Vocational Rehabilitation• Marketing/Job Development<ul style="list-style-type: none">○ Outreach to prospective employers on behalf of the participant○ Job analysis• Self-employment training, planning and start-up• Identifying and arranging transportation<ul style="list-style-type: none">○ Travel training• Engagement of natural supports during initial period of employment• Financial literacy education<ul style="list-style-type: none">○ Economic self-sufficiency○ Developing assets○ Benefits management○ Work incentives counseling
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Stabilization and Career Advancement: provision of necessary supports that result in the person learning job responsibilities, building relationships with supervisor(s) and coworkers, and achieving professional growth as identified by the person

Stabilization and Career Advancement Phase	<ul style="list-style-type: none">• Soft skills assistance• Financial literacy education<ul style="list-style-type: none">○ Economic self-sufficiency○ Developing assets○ Benefits management○ Asset building• Self-employment assistance and coaching• Peer support and mentoring
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	<ul style="list-style-type: none"> • Job Coaching • Career Advancement services • Re-employment services (if necessary due to a job loss) • Initiation of Discovery or Job Development as needed
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Long-Term Support and Job Coaching: provision of on-going supports as identified by the team or person to sustain long-term employment, which may include re-engagement of additional supports if needed.

Long-Term Support and Job Coaching Phase	<ul style="list-style-type: none"> • Long-term job coaching • Employer check-in • Financial literacy education <ul style="list-style-type: none"> ○ Economic self-sufficiency ○ Developing assets ○ Benefits management ○ Asset building
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Group Supported Employment:

Group Supported Employment services include training activities provided in regular business, industry, and community settings. The outcome of this service is sustained paid work experience to further career development and individual integrated community-based employment. Group Supported Employment services must meet the following criteria:

- Two (2) to eight (8) workers with disabilities;
- Must be provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those workplaces;
- Group Supported Employment does not include vocational services provided in facility-based work settings; and
- Goals and supports related to employment are outlined within the person-centered ISP.

**DDD recognizes that there are circumstances in which a participant may thrive in the Group Supported Employment service and desires to remain in their job indefinitely. The ISP team requirement to review and discuss appropriateness of the service is still applicable and is intended to assure that the person has an opportunity to explore other opportunities.*

Group Supported Employment is intended to be accessed as a method of skills acquisition and a bridge to individual integrated employment. Provider documentation shall reflect the progression of skills and movement towards Individual Supported Employment and be provided to the participant's Case Manager. The Case Manager shall include a summary of this information in the participant's ISP quarterly monitoring. At least annually, the ISP team shall discuss and document the participant's satisfaction and progress in the identified Path to Employment and any recommended changes.

Participants receiving Group Supported Employment must be considered a designated, regularly scheduled member of the group for a specific employment setting(s). Providers shall ensure all groups working in integrated environments have no more than eight (8) participants per employment setting at a time. Supports for any person in a group exceeding this amount are required to be categorized as Career Exploration and in compliance with associated authorization and time limit requirements.

**Participants funded through Career Exploration may serve as a temporary member of a designated group in the absence of a regularly scheduled member to use trial-work to identify and develop skills as well as explore different kinds of work that prepare them for integrated competitive jobs.*

Career Exploration:

Career Exploration services focus on the development of competitive worker traits using trial-work as the primary training method to teach the understanding of the expectations of a competitive work environment, workplace problem solving skills and strategies, and general workplace safety and mobility training.

Services are designed to assist participants in identifying and developing skills that prepare them for integrated competitive jobs and compensation at or above minimum wage, but not less than customary wage and level of benefits paid by the employer for similar work performed by employees without disabilities.

Career Exploration must be authorized by the DDD and is time limited. This service is **not** a prerequisite to other integrated employment service options and can be provided in conjunction with other non-residential waiver services. The service must be reviewed at least annually or as needed to assess the participant's satisfaction and progress towards the identified employment outcome.

Career Exploration services are limited to a maximum of 18 months, with a maximum of two three-month extensions with approval by DDD.

Career Exploration Service Authorization:

When considering Career Exploration services, a participant and his/her team should consider general interest in employment, existing work readiness skills, and the length of time likely needed to successfully transition to Supported Employment within the 18-month timeframe. Strong candidates for Career Exploration services include, but are not limited to:

- Person has an interest in work and wants to get a job within the next 12 months
 - People who have expressed a desire to secure employment within 1 year – New or additional hours
- Person is in school and planning for life after graduation
 - Students up to the age of 21 who are receiving pre-employment transition service from Vocational Rehabilitation
 - Youth receiving pre-employment transition services, who have completed secondary school and younger than 25 years old
- Person has limited work experience, but is interested in exploring his/her interests and what's available
 - People who have identified an interest in employment within 2 years

Effective September 22, 2019, all new requests for Career Exploration must be submitted to DDD via the DHS-DD-840 and ensure the following criteria are met:

- Identify and document existing work readiness skills
- Meet to determine if Career Exploration is the best service option for the participant
- Develop an outcome for competitive, integrated employment in the ISP
- Develop goals and supports related to employment in the ISP
- Develop activities to support each employment goal
- Identify the time required to successfully end Career Exploration and transition the participant toward integrated competitive employment not to exceed the 18-month maximum time limit.

DDD will not authorize Career Exploration as part of a Provisional Plan of Care submitted with initial CHOICES Level of Care. When the ISP Team has met and agreed that Career Exploration is an appropriate service, the DHS-DD-840 may be submitted to DDD. Upon DDD approval of the DHS DD 840, an SCR to add Career Exploration shall be submitted to DDD.

Career Exploration Service Extensions:

Effective September 27, 2019, requests for an extension of the 18-month time limit must be submitted via the DHS-DD-840 and meet the following criteria:

- Documentation that the person has made progress towards obtaining community employment.
 - Provider documentation shall reflect the progression of skills and movement towards Individual or Group Supported Employment and be reviewed by the participant's Case Manager.
 - The Case Manager shall include a summary of this information in the quarterly monitoring document.
- An action plan that outlines the supports to be provided to obtain their goal within the extension timeframe.
- All criteria must be documented in the participant's record in Therap.

If the 18 months and two extensions are exhausted, then a DHS-DD-840 can be submitted to request re-entry to the service and DDD will review on a case by case basis.

Reimbursable Career Exploration Activities:

Activities for which a participant does NOT earn a wage:	Activities for which a participant earns a wage:
<ul style="list-style-type: none"> • Career exploration classes • Expectations of a competitive work environment • General workplace safety and mobility training • Job application and interviewing skills • Generalized travel training • Workplace problem solving • Benefits management • Budgeting earned income • Job Shadowing • Internship • Interest inventories • Volunteering 	<ul style="list-style-type: none"> • Internship • Apprenticeships • Contract work in a facility-based setting (at sub-minimum wage or minimum wage, as outlined in Participant Compensation, above) • Self-employment

Participants funded through Career Exploration may serve as a temporary member of a designated group in the absence of a regularly scheduled member to use trial-work to identify and develop skills as well as explore different kinds of work that prepare them for integrated competitive jobs.

Day Services:

Day Services are intended to assist the person to gain opportunities for meaningful life experiences in alignment with the person's personal goals and supports and agreed upon by the ISP team. Individuals in this service **may not** be paid a wage for activities in which they participate. *Per the Centers for Medicare and Medicaid Services¹ Informational Bulletin dated September 16, 2011 "Day habilitation may not provide for the payment of services that are vocational in nature (i.e., for the primary purpose of producing goods or performing services)."*

ISP teams are required to discuss annually whether Day Services is the most appropriate service for the person. For people between the ages of 18-64 years old, documentation must be provided to demonstrate the person is making an informed choice if Day Services is the only non-residential service in which the person participates. If so, the ISP shall reflect that the person is Not focused on Employment.

Day Services may be used to provide supported retirement activities for people over the age of 65. As some people get older, they may no longer desire to work and may need supports to assist them in meaningful retirement activities in their communities. This might involve altering schedules to allow for more rest time throughout the day, support to participate in hobbies, clubs and/or other senior related activities in their communities.

Day Services activities and environments are designed to:

- Build positive social relationships, interpersonal competence, greater independence and personal choice;
- Foster the acquisition of skills;
- Assist in maintaining skills and functioning and preventing or slowing regression for those with degenerative conditions;
- Empower the person to attain or maintain their highest level of self-determination;
- Be conducive to any physical, occupational, or speech therapies listed in the person-centered ISP;
- Include personal care/assistance, but these supports may not comprise the entirety of the service; and
- Typically occur in settings separate from the participant's private residence or other residential living arrangement, although exceptions may be granted based on ISP team recommendation and approval by the Case Manager.

Day Services may be provided in integrated, community-based settings to promote volunteer activities that include acquiring, retaining, and improving self-help, socialization, and adaptive skills. Day Services settings may also be provided in fixed site facilities.

¹ Centers for Medicare & Medicaid Services, CMCS Informational Bulletin, Updates to the 1915 (c) Waiver Instructions and Technical Guide regarding employment and employment related services

Participant Compensation:

CHOICES Daily Life and Employment services are intended to promote outcomes that lead to economic self-sufficiency and wages that support a lifestyle desired by each participant.

South Dakota currently has a Benefits Specialist Network funded by the Social Security Administration (SSA) and the DHS/Division of Rehabilitation Services. The goal is to assist beneficiaries to maximize their earning potential and achieve greater self-sufficiency through employment. Benefits specialists undergo extensive training and certification to provide services based on SSI/SSDI work incentives, Medicaid, Medicare, and other public programs. Benefits specialists provide information and referrals for other services, benefits analysis and planning, and long-term monitoring and follow-along services.

Individual Supported Employment

A participant must be compensated at or above minimum wage once employed to receive Individual Supported Employment services.

If a subcontract between a private entity (local business) and a CSP is used as a mechanism to pay a participant a wage for their competitive, integrated job the CSP may not charge an administrative fee for processing payment. The DDD considers direct payment by the employer a best practice.

Group Supported Employment & Career Exploration

A participant may be compensated below minimum wage within Group Supported Employment and Career Exploration service(s). Beginning on 7/22/2016, subminimum wage agencies are prohibited in paying students with disabilities less than minimum wage. These subminimum wage agencies are also prohibited in paying youth (under 25 years old) with disabilities at a sub-minimum wage level unless the youth are first afforded meaningful opportunities to access services, including transition services so they may have the opportunity to achieve competitive integrated employment in the community. Before a youth with disabilities can be paid less than minimum wage, the individual must:

- Receive pre-employment transition services as defined in 34 CRF §361.48 and documented on the DHS-VR-359 form;
- Apply for Vocational Rehabilitation Services;
- Receive career counseling and information on employment resources; and
- Their Vocational Rehabilitation case is closed.

More information about subminimum wage requirements can be found at:

<http://dhs.sd.gov/rehabservices/providerresources.aspx>

Transportation:

Transportation between the participant's home and place of work is allowable and the cost of this transportation is included in the rate paid to employment provider.

**Hours reflected in the ISP and submitted on a Provisional Plan of Care or Significant Change Request must encompass transportation time in addition to the actual hours of support provided to the participant.*

***If a participant is not being transported to their work site by the CSP the transportation hours are not billable. However, if a participant is being assisted to make arrangements for transportation the time assisting would be billable.*

Definitions:

Competitive Integrated Employment: Competitive integrated employment is work performed by a person with a disability within an integrated setting.

Discovery: The role of this qualitative process is to determine who the employment seeker is by understanding their strengths and their interests.

Employee: one employed by another usually for wages or salary and in a position below the executive level (Merriam-Webster)

Employer: one that hires others to perform a service or engage in an activity in exchange for compensation (Merriam-Webster)

Facility-based work: vocational services furnished in specialized facilities that are not a part of the general workplace. (CMS Informational Bulletin, 2012)

Facility owned property: property that is owned, leased, rented, or otherwise controlled by a certified Community Support Provider where daily life and employment services are furnished in either a segregated or an integrated manner.

ISP Team: The following individuals shall have the opportunity to participate in the development of the ISP:

- (1) The participant;
- (2) The participant's parent if the participant is under 18 years of age;
- (3) The participant's guardian, advocate, and/or conservator, if any;
- (4) The participant's case manager;
- (5) Direct HCB services staff; and
- (6) Any other individual desired by the participant.

Job Coach: paid supporter whose role is to provide training, instruction, and support to a participant, in partnership with the participant's employer, specific to job responsibilities and tasks.

Mobility training/transportation training: A variety of services involving assisting an individual to get around their home and community. This service does not require the IL client to meet economic need.

Permanent member: in reference to Group Supported Employment, the participant has a routine schedule and has been hired to perform specific job or job tasks at that place of employment.

Enclave/Work crew: A group of people with disabilities who are employed in a community-based setting, but who work in a separate and distinct area of the business, away from non-disable workers.

Participant: a person receiving services and supports funded by the Division of Developmental Disabilities, as referenced throughout this document

Supported Employment: ongoing supports to participants who, because of their disabilities, need intensive on-going support to obtain and maintain an individual job in competitive or customized employment, or self-employment.

Vocational Rehabilitation: This is a program that provides individualized services to assist people with significant disabilities to get and keep jobs compatible with their disability.

Workforce Innovation and Opportunity Act (WIOA): WIOA replaces the Workforce Investment Act of 1998 and retains and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

https://dlr.sd.gov/workforce_services/wioa/default.aspx

Section 511: implements new requirements for schools and employers/agencies who hold special wage certificates and prohibits schools from contracting with sub-minimum wage providers for the purpose of operating a program in which youth with disabilities are engaged in subminimum wage employment.

http://dhs.sd.gov/rehabservices/docs/Section_511_1-Page_Summary.pdf

http://dhs.sd.gov/rehabservices/docs/Requirements_by_age.pdf

Resources for Job Seekers:

- Knowing Your Rights: <http://dhs.sd.gov/rehabservices/docs/FS%20Knowing%20Your%20Rights.pdf>
- Looking for a Job: <http://dhs.sd.gov/rehabservices/docs/FS%20Looking%20for%20a%20Job.pdf>
- Tips for Hiring a Job Coach: <http://dhs.sd.gov/rehabservices/docs/TipsforHiringaJobCoach.pdf>
- Asset Development: <http://dhs.sd.gov/rehabservices/docs/FS%20Asset%20Development.pdf>
- Work Incentives: <http://dhs.sd.gov/rehabservices/docs/WorkIncentives2012.pdf>
- Achieving a Better Life Experience (ABLE) Act: <http://ablenrc.org/>
- Ticket to Work <http://dhs.sd.gov/rehabservices/docs/FS%20What%20is%20the%20Ticket%20Program.pdf>
- Top 10 Myths & Facts of Social Security Benefits and Work: <http://www.apse.org/wp-content/uploads/2014/10/APSE-Resources-Top-10-Myths-of-SS-Benefits.pdf>
- ABLE Accounts: <http://www.ndss.org/Advocacy/ABLE-Act/>

Resources for Employment Providers:

Office of Disability Employment Policy (ODEP)

- Soft Skills to Pay the Bills: <https://www.dol.gov/odep/topics/youth/softskills/>
- DHS Division of Rehabilitation-Vocational Rehabilitation <http://dhs.sd.gov/rehabservices/vr.aspx>
 - Provider Resources: <http://dhs.sd.gov/rehabservices/providerresources.aspx>
 - Letters, Policies, Documents
 - DRS/DDD Memorandum of Understanding
 - Employment Skills Program Manual
 - Other Resources
 - CESP and Reimbursement Rate Memo
 - Listing of school with VR Counselors
 - Section 511 Subminimum Wage Requirements
 - One Page Summary of Section 511
 - Questions and Answers on Section 511
 - 511 Information for Parents and Guardians

Transportation Resources:

<http://www.nadtc.org/>

<https://nationalcenterformobilitymanagement.org/south-dakota/>